

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Initiated by CCL

CCL INFORMATION RELEASE NO. 2007-02**TO: ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF****SUBJECT: FOSTER YOUTH PERSONAL RIGHTS REGULATIONS**

Assembly Bill 458, Chapter 331, Statutes of 2003 and Senate Bill (SB) 1639, Chapter 668, Statutes of 2004 amended the foster children's "Bill of Rights" and required the California Department of Social Services (CDSS) to adopt and amend regulations to include additional rights for foster children. The Foster Youth Personal Rights (FYPR) regulations became effective February 16, 2007.

As a general overview, the amended regulations, which affect all Children's Residential categories, provide:

- A child has the personal right to fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. (Title 22 sections 83072(c)(11), 84072(c)(16), 84172(b), 86072(d)(5), and 89372(c)(3); see also Welfare and Institutions Code section 16001.9(a)(23))
- A foster child who is 16 years of age or older has the personal right to access existing information about available vocational and postsecondary educational options. (Title 22 sections 83072(c)(29), 84072(c)(34), 84172(b), 86072(d)(22), and 89372(c)(25); see also Welfare and Institutions Code sections 16001.9(a)(24))
- The licensee shall allow a child who is 16 years of age or older to access information about available vocational and postsecondary educational options. This information may include, but is not limited to, admission criteria, informational brochures, campus tours, Internet research, school-sponsored events, and financial aid information. (Title 22 sections 83064(e)(1)(A) through (F), 84079(e)(1) through (6), 86072.1(a)(1) through (6), and 89379(c)(1) through (6))
- A child's personal right to fair and equal access and to not be subjected to discrimination or harassment applies to housing, clothing, personal items, school

attendance, participation in extracurricular and enrichment activities, social life outside the foster care system, and being treated with respect. (Title 22 sections 83072(c)(9), (12)(A), (20), and (22); 84072(c)(14), (17)(A), (25), and (27); 86072(d)(3), (8), and (19)(A); 89372(c)(6), (10), and (18)(E).)

- A child in a Community Treatment Facility has the personal right to be involved in the development of his or her own case plan and plan for permanent placement. (Welfare and Institutions Code section 16001.9(a)(19))

Licensing staff are required to read and become familiar with the amended regulations. The amended Foster Youth Personal Rights regulations include California Code of Regulations, Title 22, sections 83064, 83072, 84072, 84079, 84272, 86072, 86072.1, and 89372, 89379. The full text of all regulations, with current amendments, can be accessed, by title and section, from the Office of Administrative Law website at <http://www.oal.ca.gov/>. For quick reference, the amended portions of the new regulations with handbook provisions can be obtained from the CDSS Office of Regulations Development (ORD) website at <http://www.dss.cahwnet.gov/getinfo/pdf/f110406rNew.pdf>. Staff can also familiarize themselves with Welfare and Institutions Code section 16001.9 Rights of Children in Foster Care.

Licensing staff may experience an increase in questions from Children's Residential licensees who need additional information about these adopted and amended regulations. To assist in successfully transitioning licensees to full compliance with these new regulations, Community Care Licensing Division (CCLD) staff may provide policy interpretation assistance as appropriate.

If you have any questions or need further information, please contact Thomas Stahl, Chief of the Policy Development Bureau, at (916) 322-5528.

Sincerely,

[Original signed by Jo Frederick on April 6, 2007]

JO FREDERICK, Deputy Director
Community Care Licensing Division